



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7

Serial No: 10/006,130 Group Art Unit: 1647

Filed: December 6, 2001 Examiner: Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131**

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard  
Audrey Goddard

6/17/04  
Date

SV 2037583 v1  
6/15/04 3:02 PM (39780.2830)



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Applicants: Baker et al. Docket No: 39780-2830P1C7

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For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131**

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William J. Wood  
William Wood

6/14/04  
Date

SV 2037583 v1  
6/9/04 1:21 PM (39780.2830)

**Exhibit A**  
**to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131**

GSeqEdit Database Report

> [REDACTED] DNA64883 [Full]  
> 510 Sites [All Sites]  
> [REDACTED] DNA64883 wiw GSeqEdit  
> [REDACTED] DNA64883 zemlin GSeqEdit  
> [REDACTED] DNA64883 goddarda GSeqEdit  
> [REDACTED] DNA64883 sheldens GSeqEdit  
> HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen  
> human ortholog of implantation-associated protein - Rattus

[REDACTED]  
nlairI  
msII  
styI  
ncol  
dsal  
tseI  
btgI/bstDSI  
fnu4HI/bsoFI  
bstXI  
bbVI  
bsaU I  
hinPI  
hhal/cfoI  
tsp45I  
bsmAI maerII  
maeII  
hpy99I mnII  
tailI bsp  
maeII/hpyC  
[REDACTED]  
paeR7I mwoI tseI bstUI [M.hhal-]  
smLI hinPI acII  
paeR09I [M.ecori-]  
taqI fru4HI/bsoFI  
xbaI bbVI bsh1236I  
tliI fnuDII/mvnl  
thai fnu4HI/bsoFI  
smlI btgI/bstDSI  
paER7I mwoI tseI bstUI [M.hhal-]  
ecori avail [M.taqI-]  
apoI mwoI bserI nlairI hhal/cfoI  
1 CGGAATTCTGG CTCGAGGGC GAACATGGCA GCGCGTGGC GGTTTTGGTG TGTCTCTGTG ACCATGGTGG TGGCGCTGCT CATCGTTGC GACGTTCCCT  
GCCTTAAGCC GAGCTCCTCG CTGTACCGT CGCGCAACCG CCZAAACCC ACAGAGACAC TGGTACCC ACCGGCGACGA GTAGCAAACG CTGCAAGGGA  
1  
M A R W R F W C V S V T M V A L L I V C D V P S  
^insert starts here  
^MET



scrFI [dcm-]

pspGI

mvaI

ecoRII [dcm-]

dsaV [dcm-]

bstNI

bssKI [dcm-]

apyI [dcm+]

sau3AI

mboI/ndeII [dam-]

dpnII [dam-]

dpnII [dam+]

alwI [dam-]

scrFI [dcm-]

pspGI

mvaI

ecoRII [dcm-]

dsaV [dcm-]

hpyCH4V

bstNI baeI

tspRI

bssKI [dcm-]

bsrI bsmI hphI

apyI [dcm+] bpmI/gsul [dcm-]

bsaJI

hpy18III

hpy18

btgI/bstDSI

bsaJI

hpy18

tsp509I [M.ecoRI-] hpyCH4V  
 ecoRI  
 sfaNI apoI  
 hpy188I nlaIII aluI  
 401 ATGTATTTCAGATGCTAACATGCTTCAACTTT CATCAACTTT CCTGCAAAG GGAAACCCAA ACGGGGTGTAT ACATATGAGT TACAGGTGCG  
 TACATAAAGT CTACGATTG TACTTAAGTC GAGGTGAAA GTAGTTGAAA 127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI [M.aluI-]  
 bspCNI mspI sau3AI  
 celiI/espI hpall mboI/hdell [dam-]  
 blpI/bpu1102I scrFI [M.hpaII-]  
 aluI ncII dpnII [dam-]  
 pvuII dsAV dpnII [dam+]  
 msPAlI/mspBII bssKI alwI [dam-]  
 501 GGTTTTCA GCTGAGCAGA TTGCCGGTG GATCGCGCAC AGAACTGATG TCAATATTAG AGTGAATTAG CCCTCCAATT ATGCTGGTCC CCTATGTTG  
 CCCAAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGTG TCTGACTAC AGTTATAATC TCACAAATCT 160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

tagI aluI  
 sful tseI  
 bstBI fnu4HI/bsoFI  
 bsiCI bstF5I bbvI  
 baeI mboII mboII  
 601 GGATTGGTTT TGGCTGTTAT TGGTGGACTT GTGTATCTTC GAAGAAGTAA TATGGAATT CTCTTTAATA AAATGGATG GGCTTTGCA GCTTGTGTT  
 CCTAACGAAA ACCGACAATA ACCACCTGAA CACATAGAAG CTTCTCATT ATACCTTAA GAGAAATTAT TTGACCTAC CGAAACACAA  
 193 G L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F



bsmFI  
 sau96I  
 nlaIV  
 avall  
 tru9I ppuMI  
 aluI hpy188I mseI eco0109I/draII  
 1001 ATGGCTACCC ATACAGCTT CTGATGAGT AAAAAGTCC CAGAGATATA TAGACACTGG AGTACTGGAA ATGAAAC GAAATCGTG TGTTGTTGAA  
 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTCAGG GTCTCTATAT ATCTGTGACC TCATGACCT TAACCTTTG CTTTAGCAC ACACAAACTT  
 327 G Y P Y S F L M S O

tru9I  
 mseI  
 bsmI  
 mboII hpyCH4V  
 mnII  
 1101 AAGAACATG CAACTTGTAT ATTGTGAT ACCTCTTTT TTCAAGTGTAT TAAATAGTT AACATTAA CCAAAGAACGA TGTTGAGTGC CTTAACAGC  
 TCTCTTAC GTGAAACATA TAAACATAA TGGAGAAA AAGTCACTA ATTATCAA TTGAAATT GGTTTCTCT ACACATCACG GAATTGTTGC

mnII  
 ddeI  
 bspCNI  
 mnII tru9I  
 hpy188I  
 1201 AATCCTCTGT CAAATCTGA GGTATTGAA ATAATTATC CTCTTAACCT CTCCTCCCA GTGACTTAA TGGAAACATT ATTAGTAC AATAAGTAT  
 TTAGGAGACA GTTTAGACT CATAAACT TTATTAG GAGAATTGGA AGAGAAGGGT CACTGAAT ACCTGTAAA TAAATCATG TTAACTATA

mnII  
 tsp509I  
 mboII tsPRI  
 earI/ksp632I  
 mseI  
 1301 ATTAAAAAA TTGTAAGACT ACTACTTGT TTAGTTAGA ACAAGCTCA AAACACTTT AGTTAACCTG GTCATCTGAT TTATATTGC CTTATCCAA  
 TAATATTAAACATTTGA TGATGAAACA AAATCAATCT TGTTCGAGT TTGATGAA TOAATGAC CAGTAGACTA AAATATAACG GAATAGGTT

tru9I  
 mseI  
 hpaI  
 psII tsp509I  
 aluI  
 1401 ATTATTTT AACATTTGA TGATGAAACA AAATCAATCT TGTTCGAGT TTGATGAA TOAATGAC CAGTAGACTA AAATATAACG GAATAGGTT

hincII/hindII hpy188I  
 bsII  
 GSeqEdit, DNA64883 [Full], Page 6

scrFI [dcm-]

pspGI

rvaI

ecoRII [dcm-]

dsaV [dcm-]

bstNI

bssKI [dcm-]

apyI [dcm+]

sexAI

hpy188III

ndeI

1401 GATGGGGAA GTAAGTCCTG ACCAGGTGT CCCACATATG CCTGGTACAG ATAACTACAT TAGGAATTCA TTCTTAGCTT CTTCATCTT GTGGGGATGT  
CTACCCCTT CATTAGGAC TGGTCCACAA GGGTGTATAC GGACAATGTC TATTGATGTA ATCCTTAAGT AGAATCGAA GAAGTAGAAA CACACCTACA

tail

xmnI

tsp509I [M. ecoRI-]

ecori

fokI

asp700

bstF5I

apoI

ddeI [M. aluI-]

aluI

ms11

mboII

bsp1286

bstHKAII

rmal

ddeI

hgiAI/aspHI

bsp1286

hpy188I

maeII/hpyCH4IV

mboII

bpwAI

bspC

eco57I

af111I maeI bspC

mboII bmyI btrI bfaI mnII

hpy188I

maeII/hpyCH4IV

bsp1286

bspC

bspC

tthIIII/aspI  
 pI  
 pfI/FI  
 mlyI  
 bserI  
 mnII  
 bpml/gsuI [dcm-]  
 bseRI  
 mnII  
 hpyCH4III mnII hpyCH4V  
 bst4CI/hpyCH4III mnII hpyCH4V  
 AGCAAGACAG TTGTCTCTCC TCCCTCCTTC ATATTTCCTTA CTGGCGTCCA GCCTGAGTGA TAGAGTGAGA CTCGTCTCA AAAAAGTA TCTCTAAATA  
 TCGTTCTGTC AACAAAGAGG AGGAGGAACG TATAAGGAT GACCGGAGGT CGGACTCACT ATCTCACTCT GAGACAGAGT TTTTTTCAT AGAGATTAT

tru9I  
 mseI  
 tsp509I  
 psII  
 1601 CAGGATTATA ATTCTGCTT GAGTATGGTT TAACTACCT TGTATTAGA AAGATTCAG ATTCAATTCCA TCTCCTTAGT TTCTTTAA GGTGACCCAT  
 GTCCTAATAT TAAAGACGAA CTCATACCAAC AATGTATGGA ACATAAATCT TTCTAAAGTC TAAGTAAGGT AGGAAATCA AAAGAAAATT CCACCTGGGTA

tru9I  
 mseI  
 hpaI  
 hincII/hindII  
 asp700  
 1701 CAGGATTATA ATTCTGCTT GAGTATGGTT TAACTACCT TGTATTAGA AAGATTCAG ATTCAATTCCA TCTCCTTAGT TTCTTTAA GGTGACCCAT  
 GTCCTAATAT TAAAGACGAA CTCATACCAAC AATGTATGGA ACATAAATCT TTCTAAAGTC TAAGTAAGGT AGGAAATCA AAAGAAAATT CCACCTGGGTA

tfI  
 xmnI  
 hinFI  
 hpy188I  
 ddeI  
 ddeI [M. aluI-]  
 aluI  
 1801 CTGTGATAAA AATATAGCTT AGTGCCTAA TCAGTGTAAAC TTATACATGG CCTAAATGT TTCTACAAT TAGAGTTGT CACTTATCC ATTGTACCT  
 GACACTAATT TTATATCGAA TCACGATTTC AGTCACATTG AATATGTACC GGATTTACA AAGATGTAA ATCTCAAACA GTGAAATAGG TAAACATGGA

tsp45I  
 hphI  
 tru9I maeIII  
 mseI bstEII  
 ddeI  
 ddeI  
 rsalI  
 tsp509I  
 nlairI  
 maeIII  
 csp6I  
 tpaI  
 haelli/pallI  
 tpaI  
 1801 CTGTGATAAA AATATAGCTT AGTGCCTAA TCAGTGTAAAC TTATACATGG CCTAAATGT TTCTACAAT TAGAGTTGT CACTTATCC ATTGTACCT  
 GACACTAATT TTATATCGAA TCACGATTTC AGTCACATTG AATATGTACC GGATTTACA AAGATGTAA ATCTCAAACA GTGAAATAGG TAAACATGGA

scrFI [dcm-]						
pspGI						
mvaI						
ecoRII [dcm-]						
dsaV [dcm-]						
bstNI						
haeIII/palI						
mscI/balI [dcm-]						
eaEI [dcm-]						
cfrI						
scrFI [dcm-]						
pspGI						
mvaI bssKI [dcm-]						
ecORII [dcm-]	tsp45I					
dsaV [dcm-]		maeIII				
bstNI	hinPI					
bssKI [dcm-]	tspRI					
pflI bslI [dcm-]	hhal/cfoI					
mlyI bsauI apyI [dcm+]		ddeI				
hinflI apyI [dcm+]	btsI	bspCNI				
1901 AAGGAGAAA TAGGCTCAGT TAGAAAGGA CTCCCTGGCC AGGGCGAGTC ACTTACGCT GTAAATCTAG CACTTTGGAA GGCCAAAGGCA GGCAGATCAC			haeIII/palI			
TTCTCTTTT ATCCGAGTCA ATCTTTCCCT GAGGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGACTC GTGAAACCCT CCGGTCCGT CGGTCTAGTG			mRII bsauI			
			dpnII [d			
			dpnII [da			

mscl/balI [dcm-]  
 eaeI [dcm-]  
 scrFI [dcm-]  
 pspGI  
 mvaI  
 ecoRIII [dcm-]  
 dsaV [dcm-]  
 bstNI  
 bsmAI  
 bssKI [dcm-]  
 tagI fokI cfri nlaiI bsmAI  
 hpy188III bsAI bstF5I haelli/pali esp3I aluI  
 mnII hpy188III apyI [dcm+] hphI bsmBI tsp509I rlaIV  
 2001 GAGGTAGGA GTTCGAGACC ATCCTGGCCA ACATGGTGA ACCCCGTCTC TACTAAATAAATTAATTTAAAT CGACCCACAC CACCGTCCTC GGACATTAGG  
 scrFI [dcm-]  
 pspGI  
 mvaI  
 ecoRIII [dcm-]  
 dsaV [dcm-]  
 bstNI  
 tsPRI  
 btsI  
 sau3AI  
 mboI/ndeII [dam-]  
 bssKI [dcm-]  
 dpaII [dam-] hpyCH4V  
 dpnII [dam+] bsgI bpmI/gsuI [dcm+]  
 aluI mnII bssSI tsPRI  
 bspCNI mnII bspCNI mnII  
 2101 CAGCTACACA GGAGGCTGAG GCACGAGAACT CACTTGAACT CAGGAGATGG AGTTTCAGT GAGCCGAGAT CACTCCAGCTG CACTCCAGCTG CACTCCAGCTG  
 GTCGATGTGT CCTCCGACTC CGTGCCTCTTA GTGAACCTTGA GTCTCTTACCA TCCAAAGTCA CTCGGCTCTA GTGCGGTGAC GTGAGGGTGG ACCTGGTGTCT

fnu4HI/bsoFI  
 haelli/pallI  
 mcri  
 eaeI  
 cfrI  
 bsiEI rmaI  
 notI maeI  
 fnu4HI/bsoFI bfaI  
 acii acii speI  
 pleI  
 mlyI  
 hinFI  
 bsmAI  
 ↓  
 2201 GCGAGACTCC ATCTCAAAAA AAAAAAAA AAAAAAAA AAAAAAGGGG CGGCCGCCGA CTAGTGAGC  
 CGCTCTGAGG TAGAGTTTTT TTTCCTTTT TTTCCTTTT TTTTTTTCCC GCCGGGGCT GATCACTCG  
  
 > length: 2269  
  
 accI (GTMKAC) : 1501  
 acii (CCGC) : 39 498 2250 2254  
 afllII (ACRYGT) : 780 1586  
 ahaiII (TTTAAA) : 1150  
 ahdi (GACNNNNNGTC) : 278 714  
 alui (AGCT) : 152 300 429 510 690 822 888 1015 1  
 alw26I (CAGNNNCTG) : 101 316  
 alwi (GGATCNMM) : 318 530  
 alwnI (CAGNNNCTG) : 101 316  
 apoi (RAATTY) : 3 310 423 655 1464  
 apyi (CCWGG) : 321 332 1422 1934 1939 2023 2189  
 asp700 (GAANNNNNTTC) : 1464 1749  
 asphi (GWGWCW) : 1582